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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THE APPLE IPOD ITUNES ANTI-TRUST LITIGATION	Case No. C 07-6507 JW
This Document Relates To:	CLASS ACTION
Somers v. Apple, Inc., Case No. C 07-6507 JW	DECLARATION OF HELEN ZELDES IN SUPPORT OF ADMINISTRATIVE MOTION RE: SEALING ORDER (CIVIL L.R. 79-5)

Dockets.Justia.com

I, HELEN ZELDES, declare as follows:

1. I am an attorney duly licensed to practice before this court. I am a partner with the law firm of Zeldes & Haeggquist, LLP, one of the lead counsel for Plaintiff in this action. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. I make this declaration in support of Plaintiff's Administrative Motion to File Under Seal portions of Plaintiff's: Reply Memorandum in Support of Motion for Class Certification and Appointment of Lead Counsel ("Plaintiff's Reply"); and Exhibits 2 and 4 to the Declaration of Helen Zeldes in Support of Reply Memorandum in Support of Motion for Class Certification and Appointment of Class Counsel ("Zeldes Declaration"), pursuant to Local Rules 7-11 and 79-5(d) and the Stipulation and Protective Order Regarding Confidential Information ("Protective Order") entered March 14, 2008 (Document No. 18).

3. The parties entered into the Protective Order, which was signed by the Court on March 14, 2008. Under the Protective Order, the parties may designate certain Discovery Materials, which includes documents produced pursuant to Rule 34 of the Federal Rules of Civil Procedure and interrogatory responses, they deem to be entitled to protection under Rule 26(c) of the Federal Rules of Civil Procedure as "Confidential" and restrict their dissemination and disclosure.

4. Defendant has designated the documents it produced pursuant to Rule 34 of the Federal Rules of Civil Procedure and its interrogatory responses as "Confidential" under the Protective Order. These documents and interrogatory responses are discussed in Plaintiff's Reply brief and Exhibits 2 (a copy of one of Apple's Digital Music Download Agreements) and 4 (the Reply Affidavit of Plaintiff's economist, Gary I. French, Ph.D.) of the Zeldes Declaration. The confidential portions of these documents have been redacted to allow public access to the redacted Plaintiff's Reply brief and Zeldes Declaration.

Plaintiff's Reply brief and the Zeldes Declaration are both stamped “REDACTED.”

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 19th day of May, 2009, at San Diego, California.

/s/ Helen Zeldes
HELEN ZELDES

CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2009, I electronically filed the following documents with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have caused the foregoing document or paper to be mailed via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List and Service List: DECLARATION OF HELEN ZELDES IN SUPPORT OF ADMINISTRATIVE MOTION RE SEALING ORDER (CIVIL L.R. 79-5)

/s/ Alreen Haeggquist
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